

The Federal Flyer

Congress Finally Passes Transportation Spending Bill *Earmarking of RABA Strongly Criticized*

By a vote of 371 to 11, the U.S. House of Representatives on November 30 approved the conference report on H.R. 2299, the FY 2002 appropriations bill for the U.S. Department of Transportation and Related Agencies. The Senate voted 97-2 in favor of the measure on December 4, sending the bill to President Bush, who is expected to sign it. The conference report prompted strong criticism and protest for earmarking millions of dollars in state formula funds for hundreds of highway discretionary program projects.

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The conference report includes some \$1.383 billion in earmarks for projects in the various federal highway discretionary programs. This amount is at least double the authorized levels for the programs. The conferees managed to fund the programs at such a high level by redirecting some \$450 million in Revenue Aligned Budget Authority (RABA) to targeted highway discretionary programs instead of distributing the funds among the states, as required by law. In essence, the appropriators “earmarked”

approximately 11% of the states’ RABA funds. In addition, the conference report redirects the portion of RABA that normally would have been added to some FHWA allocated programs (such as the highway use tax evasion program and the university transportation research program) and puts that money (approximately \$500 million) into the highway discretionary pots targeted for project earmarking.

Members of the House and Senate authorizing committees spoke out in protest of this action last week. They expressed discontent over appropriators funding their pet projects with states’ RABA funds. By ignoring authorization formulas, **House Transportation and Infrastructure Committee ranking member James Oberstar** (D - MN) said, the appropriators “have done violence to the entire concept of TEA 21.” House **Highways and Transit Subcommittee Chairman Thomas Petri** (R - WI) took to the floor in protest as the full House was considering the measure: “RABA was not created to be a slush fund for the appropriators,” he said. “For the [Appropriations] Committee to take nearly \$1 billion of these funds to earmark for projects they deem desirable—on top of the fact that they had already earmarked all pre-RABA discretionary funds—should not happen.” Petri said that he is looking for a solution for future highway bills that would contain a “protection of projects” designated by the authorizers. “We will do our best to fix it when we have the opportunity, whether it is right now, in the next budget cycle, the next reauthorization, or all three,” Petri pledged.

H.R. 2299 provides the U.S. Department of Transportation and related agencies with a total of \$59.6 billion, a record funding level for transportation programs. This includes \$32.9 billion for highway programs, \$6.7 billion for transit, \$13.3 billion for aviation, and \$5 billion for the Coast Guard. With the exception of the redirection of RABA funds discussed above, the bill conforms to the spending levels authorized in TEA 21 and AIR 21.

Texas Funding Estimates. Texas will receive approximately \$2.14 billion in obligation authority for highway formula programs and High Priority Projects. In addition, our office has identified \$62.6 million for 29 project earmarks for Texas in the highway discretionary programs (see table below). These earmarks provide Texas with a discretionary program rate of return of only 54 cents on the dollar. While these project earmarks direct more discretionary dollars to Texas than ever before, only approximately \$15 million represents new money, as the remaining \$47.7 million represents Texas' share of redirected RABA funds.

Note: Texas will also share in a \$54 million earmark for border safety inspection stations along the Southwest border; FHWA will distribute these funds among the four border states. We cannot yet estimate how much of this earmark will come to Texas, so these funds currently are not included in our rate of return estimates.

Intelligent Transportation Systems Deployment	
Austin	\$ 125,000
Brownsville	\$ 250,000
Texas statewide	\$ 2,000,000
Ferry Boats and Terminal Facilities	
Corpus Christi ferry landings	\$ 200,000
National Corridor Planning & Development / Coordinated Border Infrastructure Programs	
FM 1016 from US 83 to Madero	\$ 500,000
Freeport Business Center off ramp	\$ 500,000
I-35 expansion Hill County	\$ 2,000,000
I-35 Replacement Bridge Dallas County	\$ 1,000,000
La Entrada al Pacifico feasibility study	\$ 200,000
Ports-to-Plains Corridor development management plan	\$ 1,700,000
State border safety inspection facilities	\$ 12,000,000
I-69 Corridors 18 and 20	\$ 1,500,000
Midland Reliever Route for freeway connection from SH 349 to I-20	\$ 1,000,000
Transportation & Community & System Preservation Program	
Austin TX Bicycle Commuting Project	\$ 375,000
City of Frisco	\$ 1,000,000
Harris County 911 emergency network	\$ 500,000
Highway 24 segment completion	\$ 1,000,000
Houston Main Street corridor master plan	\$ 500,000
Lancaster Avenue improvements Fort Worth	\$ 1,500,000
Pharr bridge toll connector	\$ 415,000
Sunland Park Drive extension	\$ 500,000
FM 49 widening from US 83 to FM 1016	\$ 1,000,000

Bridge Discretionary Program	
Leon River Bridge	\$ 1,500,000
Federal Lands Highway Discretionary Program	
Amistad National Recreation Area Box Canyon Ramp Road	\$ 4,500,000
Ivy Mountain Road	\$ 1,000,000
Interstate Maintenance Discretionary Program	
I-10 Katy Freeway Houston	\$ 7,000,000
I-35 East/I-635 interchange	\$ 5,400,000
I-35 West/US 287 interchange	\$ 4,000,000
IH 610 Bridge	\$ 1,500,000
Woodall Rogers extension bridge	\$ 8,000,000
Discretionary Programs Earmarks Total for Texas	\$ 62,665,000
Texas RABA Funds Used for Earmarks	\$ 47,700,000
Net New Funding for Texas	\$ 14,965,000
Note: Texas also will share in \$54 million earmark for SW border safety inspection stations, to be distributed by FHWA.	
Section 330 General Provisions: Surface Transportation Projects (funded from the General Fund)	
Truck relief route along US 87, near Big Spring	\$ 2,000,000
West Laredo Multimodal Trade Corridor / grade crossings	\$ 3,250,000
Grand Total of Texas Highway Earmarks	\$ 67,915,000
Total Net New Funding Highway Earmarks for Texas	\$ 20,215,000

Texas transit funding from the bill is estimated at approximately \$188 million for FY 2002. The measure would provide \$4.5 million for Texas' elderly and disabled program, \$13.6 million for the nonurbanized program, and \$170 million for the state's urbanized transit systems, including \$9.3 million for the small urban program administered by TxDOT. Texas transit earmarks are listed at right.

The estimate for the Texas state block grant for general aviation and reliever airports is approximately \$37.4 million for FY 2002. Eight Texas airports are also slated to receive earmarked funding as follows:

Terminal ATC Facilities Program	
Corpus Christi	\$ 650,000
Beaumont	\$ 800,000
Abilene	\$ 1,045,000
Houston (Tracon)	\$ 75,000
Airport Discretionary Program	
Abilene Regional for taxiway extension, entrance boulevard, and aircraft parking	\$ 1,000,000
Alliance Airport for extension of two runways	\$ 4,500,000
Galveston Scholes for various improvements	\$ 500,000
Sugar Land Municipal for GA apron construction	\$ 2,880,000
Terrell Municipal for various improvements	\$ 1,000,000

Bus and Bus Facilities Program	
Abilene bus replacement	\$ 500,000
Austin Metrobus	\$ 750,000
Brazos Transit ADA compliant buses	\$ 400,000
Brazos Transit buses for Texas A & M University	\$ 750,000
Brazos Transit buses, intermodal facility, and parking facility	\$ 750,000
Brazos Transit park and ride facility	\$ 400,000
Brownsville multimodal facility study	\$ 100,000
Capital Metro park and ride	\$ 500,000
City of Huntsville buses	\$ 500,000
Connection Capital Project for Community Transit Facilities	\$ 250,000
El Paso buses	\$ 500,000
Fort Worth Transportation Authority CNG buses	\$ 1,250,000
Fort Worth intermodal center park and ride facility	\$ 500,000
Fort Worth 9th Street Transfer Station	\$ 1,600,000
Houston Barker Cypress park and ride	\$ 5,000,000
Houston Main Street Corridor master plan	\$ 500,000
Liberty County buses	\$ 375,000
San Antonio VIA Metro Transit Authority clean fuel buses	\$ 1,750,000
Sun Metro buses and bus facilities	\$ 500,000
Texas Tech University buses, park and ride	\$ 1,000,000
Waco Transit maintenance and administration facility	\$ 1,650,000
Woodlands District park and ride	\$ 500,000
Job Access Reverse Commute Program	
Abilene, Texas Citilink Program	\$ 150,000
Austin, Texas	\$ 500,000
Corpus Christi, Texas	\$ 550,000
Galveston, Texas	\$ 600,000
Fixed Guideway Program	
Dallas, Texas, North central light rail transit extension project	\$ 70,000,000
Forth Worth, Texas, Trinity railway express project	\$ 2,000,000
Houston, Texas, Metro advanced transit plan project	\$ 10,000,000

Mexican Trucking Provisions Finalized. The provisions that kept the transportation spending bill hostage for more than three months was finally resolved in bipartisan compromise language. The bill now requires:

- weigh-in-motion scales at the ten busiest truck crossings;
- electronic verification of Mexican truck driver licenses for high-risk cargo;
- on-site inspections and a comprehensive safety exam of Mexican trucking firms before being granted conditional operating authority in the U.S. beyond the border zone;
- physical inspection of every Mexican truck every 90 days;
- limited access to the U.S. by Mexican trucks only at crossing stations where motor carrier safety inspectors are on duty and where there is "adequate capacity to conduct safety enforcement activities;"
- no entry into the U.S. by Mexican trucks to pick up a new load; and
- an audit by the USDOT inspector general of U.S. ability to enforce strict safety standards and certification in writing that the full opening of the border will not present "an unacceptable safety risk."

Senate Committee Announces Reauthorization Hearings Agenda *EPW to Focus on System Condition and Performance*

The **Senate Environment and Public Works Committee** this week announced its hearing agenda for the reauthorization of the Transportation Equity Act for the 21st Century (TEA 21), the 1998 law authorizing funding and programs for highways, transit, and highway safety. The committee and its Transportation, Infrastructure, and Nuclear Safety Subcommittee plan to hold at least 11 hearings on TEA 21 reauthorization beginning in 2002. TEA 21 is set to expire on September 30, 2003.

Committee **Chairman James Jeffords** (I - VT), in the announcement releasing the agenda (see below), stated that the committee would “examine the state of the nation’s surface transportation system, its physical condition and its performance. We will tackle the question of financial resources—how they are raised, how they are managed, and how they are allocated.”

We will keep you posted as these hearings are scheduled.

- Partners for America's transportation future--lessons learned from TEA-21 and perspectives on reauthorization from the federal, state and local level;
- Fiscal Year '03 budget and the Highway Trust Fund--Trust Fund forecasts, firewall principles, the RABA mechanism and the administration's fiscal year '03 budget proposal;
- Mobility, congestion and intermodalism--fresh ideas on transportation demand, access and mobility and program flexibility;
- Operations and security in metropolitan areas--improving system security and performance during emergencies and periods of peak demand;
- Transportation planning and smart growth--promoting economic growth and sustainable development in connection with regional, state and local partners;
- Innovative finance--building on transportation's trail-blazing role in public/private partnerships;
- Transportation and air quality--the CMAQ program, conformity and the role of new technologies;
- State of the infrastructure--current and future highway conditions and performance;
- Project delivery and environmental stewardship--progress on environmental streamlining under TEA-21;
- Freight and intermodal facilities--logistics, efficiencies and the economics of goods movement; and
- Rural transportation--roadway safety, ITS access, weather and other rural challenges.

The **Federal Flyer** is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 107th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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